



**U.S. Department of Justice**

*United States Attorney  
Southern District of Florida*

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**VIA EMAIL**

July 21, 2025

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*Counsel for Charles Boyd*

William R. Barzee  
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Miami, FL 33128  
*Counsel for Patrick Boyd*

Re: *United States v. Brosius et al.*, No. 1:24-CR-20255-WPD (S.D. Fla.)

Dear Counsel:

The United States hereby provides notice that it plans to call Susmitha Sunkara and/or Harpreet Dhanota as witnesses at trial. Both Sunkara and Dhanota are fact witnesses who have personal knowledge regarding the topics they are expected to testify about at trial, including the falsity of the T3s/pedigrees associated with Gilead drugs that Safe Chain Solutions LLC ("Safe Chain") received and distributed to pharmacies throughout the United States as well as their review of physical evidence Gilead seized from Safe Chain (*i.e.*, bottles of Gilead prescription drugs, counterfeit outserts, etc.). The scope of their potential testimony on these topics is detailed in their declarations and deposition testimony from the civil litigation, which has previously been produced to you. In addition, Sunkara and/or Dhanota will testify about the indicia or red flags that Gilead prescription drugs were not acquired legitimately (*i.e.*, diverted) and/or were counterfeit.

It is the Government's position that none of the testimony disclosed in this letter is expert opinion testimony because it arises from facts known to the witnesses and their personal knowledge of the evidence in this case. *United States v. Stoune*, 694 F. App'x 688, 691 (11th Cir. 2017); *Tampa Bay Shipbuilding & Repair Co. v. Cedar Shipping Co.*, 320 F.3d 1213, 1223 (11th Cir. 2003). However, in an exercise of prudence and an abundance of caution, the Government is nonetheless providing this disclosure in the event these witnesses' testimony is deemed to contain expert testimony under Federal Rule of Criminal Procedure 16(a)(1)(G).

As noted above, Sunkara and/or Dhanota will testify about the indicia or red flags that Gilead prescription drugs were not acquired legitimately (*i.e.*, diverted) and/or were counterfeit, such as when:

- 1) A T3/pedigree reflected a transaction between Gilead and a company that is not one of its Authorized Distributors;

- 2) Gilead prescription drugs were offered and sold to wholesale distributors at discounts greater than 5% off the Wholesale Acquisition Cost ("WAC");
- 3) A T3/pedigree identified a long list of purchasers of Gilead product (more than simply Gilead, an Authorized Distributor, and a pharmacy);
- 4) A T3/pedigree identified two or more pharmacies in the transaction history;
- 5) A T3/pedigree identified an Authorized Distributor such as McKesson, Cardinal, or AmerisourceBergen selling Gilead product to another wholesaler (rather than directly to a pharmacy); and
- 6) A T3/pedigree identified a sale from a distributor located in Puerto Rico to a company located in the continental United States.

The basis of Sunkara and Dhanota's testimony will be their personal knowledge and review of evidence in this case, their training and experience working at Gilead in roles specific to the topics they will testify about, and their prior education and training. Copies of their LinkedIn profiles with additional details are attached to this letter.

Dhanota has authored one publication in the last ten years, and it can be found at <https://bpp.msu.edu/magazine/a-pandemic-a-treatment-and-the-impact-to-a-brand-protection-program-december2020/>. Sunkara has not authored any publications in the last ten years. Neither Sunkara nor Dhanota have testified as an expert at trial or deposition in the last four years.

Sincerely,

HAYDEN P. O'BYRNE  
UNITED STATES ATTORNEY

/s/ Alexander Thor Pogozelski  
Alexander Thor Pogozelski  
Assistant United States Attorney

**Seen and Approved:**

*Susmitha Sunkara*

Susmitha Sunkara

*Harpreet Dhanota*

Harpreet Dhanota